



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

Robert L. Morgan
State Engineer

1636 West North Temple, Suite 220
Salt Lake City, UT 84116-3156
801-538-7240
801-538-7467 (Fax)

May 24, 1994

Mr. Bruce Hartman
Big Sand Wash Distribution System
Altamont, UT 84001

re: ORDER TO CEASE USE OF WATER

Dear Mr. Hartman:

On April 13, 1994 a notice was sent to all water users of the Big Sand Wash Distribution System regarding the need for functional headgates and measuring devices to be installed at each point of diversion on the Big Sand Wash. After a follow up field inspection made by Bill Christensen, water commissioner, it was brought to our attention that your diversion on the Big Sand Wash is not in compliance with the notice.

Therefore, by authority of section 73-5-4 of the Utah Code Annotated, 1953, as amended, you are **hereby ordered to cease the use of water** at your diversion on the Big Sand Wash until such time as an accurate and operational measuring device and control structure are installed. This diversion will be closed and tagged by the river commissioner. The tag will represent the order to cease the use of water.

A follow up inspection will be made to determine compliance with the order. If the diversion is tampered with after being closed and tagged by the commissioner, the State Engineer will seek a court order requiring that the diversion be closed until such time as the requirement listed above is completed.

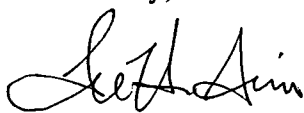
This Order is subject to the provisions of Rule R655-6-17 of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, as amended, which provides for filing either a Request for Reconsideration with the State Engineer, or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Order. However, a Request for Reconsideration is not a prerequisite for a court appeal. A court appeal must be filed within 30 days after the date of the Order, or if a Request for Reconsideration has been filed, within 30 days after the date of the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the request is filed.

ORDER TO CEASE USE OF WATER - BIG SAND WASH

May 24, 1994
Page 2 of 2

If you have any questions concerning this order please contact Bob Leake at 781-5327 or Lee Sim at 538-7380.

Sincerely,


for Robert L. Morgan, P.E.
State Engineer

cc: Bob Leake
Bill Christensen
Lee Sim
John Mabey